

of the protein into claims 1, 6, and 20. Therefore, the rejection has been overcome by amendment and should be withdrawn.

The Rejection of the Claims Under 35 U.S.C. §102 Should be Withdrawn:

Claims 1-6 and 18-21 were rejected under 35 U.S.C. §102(b) as anticipated by Abebe *et al.* This rejection is respectfully traversed.

As the Examiner indicates Abebe *et al.* teach a protein having anti-thrombin activity. The reference only discloses the partial sequence provided in Figure 4 of the paper. As the Examiner notes, the partial sequence described by Abebe *et al.* differs by several amino acids as compared to the corresponding region set forth in SEQ ID NO: 2.

The disclosure of a partial sequence does not render the entire amino acid sequence of the protein obvious or anticipated. Accordingly, the current claims, which set forth the amino acid sequence of the protein, are not anticipated by the reference. Accordingly, the rejection should be withdrawn.

CONCLUSION


In view of the above amendments and remarks it is respectfully submitted that the applicant is in condition for allowance. Early notice to this effect is solicited.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

In re: Cupp *et al.*
Appl. No.: 09/036,113
Filed: March 6, 1998
Page 4

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

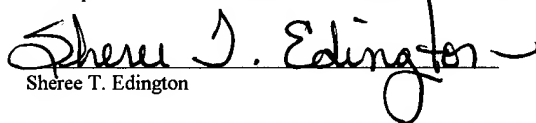
Respectfully submitted,


W. Murray Spruill
Registration No. 32,943

ALSTON & BIRD LLP
Post Office Drawer 34009
Charlotte, NC 28234
Tel Raleigh Office (919) 420-2200
Fax Raleigh Office (919) 420-2260

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, DC 20231, on October 25, 1999.


Sheree T. Edington

RTA01/2069333v1